

Establishment of Tallurutiup Imanga National Marine Conservation Area

PROJECT PROPOSAL and STRATEGIC ENVIRONMENTAL ASSESSMENT

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For:

The Nunavut Planning Commission and Nunavut Impact Review Board

Executive Summary

Steps are being taken to prepare for establishing Tallurutiup Imanga National Marine Conservation Area (TINMCA) in legislation (add to Schedule 1 under the *Canada National Marine Conservation Areas Act* (CNMCAA, 2002). As a result, this document has been prepared to address the requirements of the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* (2010) as well as Sections 76(1) and 174(1) of the *Nunavut Project Planning and Assessment Act* (NuPPAA). A strategic environmental assessment (SEA) is conducted on all establishment proposals for National Parks and National Marine Conservation Areas under legislation, with the objective of supporting environmentally-sound decision making. Under NuPPAA, the establishment of TINMCA requires a submission to the Nunavut Planning Commission for a conformity determination, followed by a Screening by the Nunavut Impact Review Board.

Tallurutiup Imanga (Lancaster Sound) is a natural and cultural seascape that is one of the most significant ecological areas in the world. The region supports the traditional use of five Inuit communities in the area including Grise Fiord, Resolute Bay, Arctic Bay, Pond Inlet and Clyde River. Communities use the area extensively and travel by boat or snowmobile to harvest fish, birds, seals and other marine mammals.

National Marine Conservation Areas (NMCAs) are a type of marine protected area established for the purpose of protection and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world (CNMCAA s4(1)). NMCAs offer an array of ecological, cultural, social and economic benefits, including the provisions of ecosystem services and opportunities to pursue cultural practices and sustainable livelihoods. They are administered by Parks Canada under the CNMCAA, and managed collaboratively with others. The establishment of Tallurutiup Imanga National Marine Conservation Area is part of the NMCA System Plan to represent the Lancaster Sound marine regions, and protect examples of Canada's marine heritage for present and future generations.

In 2009, a federal–territorial–Inuit agreement launched a joint study to determine the desirability and feasibility of establishing a national marine conservation area in Lancaster Sound. The Steering Committee, comprised of Parks Canada, the Government of Nunavut and the Qikiqtani Inuit Association (QIA), conducted consultation tours to gather information on ecological values, traditional knowledge, tourism opportunities, fisheries, marine transportation and potential hydrocarbon resources. All five communities expressed significant support for the establishment of an NMCA, and a boundary for the proposed TINMCA was announced in August 2017. Since that time, an Inuit Impact Benefit Agreement (IIBA) was negotiated (2019), and an Interim Management Plan is currently in draft form. Establishing the NMCA in legislation under the CNMCAA is in progress. Amendments to Schedule 1 to establish TINMCA under the CNMCAA will occur following the finalization of an interim management plan.

An analysis of impacts from the establishment of TINMCA, including benefits, potential adverse impacts, and mitigation measures was conducted, focussing on the following changes that will result from NMCA establishment: changes to the legislative and regulatory regime; changes in policy, management tools, and legislated instruments; and changes in activities.

The most significant changes in the management of the TINMCA area are expected to result from changes to the legislative and regulatory framework. The CNMCAA has multiple features that provide additional layers of protection for the marine ecosystem and coastal communities. These include

prohibitions on mineral and hydrocarbon exploration and development, use or occupancy of land without authorization, restrictions on ocean dumping and provisions for ecologically sustainable use of marine resources, which can include commercial use. Further, the CNMCAA enables the creation of regulations on a number of topics to support the conservation and management of NMCA's. The first set of NMCA General Regulations under the Act is being developed and will provide regulatory tools that contribute to the management of natural and cultural heritage, visitor experience, land use, and activities such as commercial tourism, research and special events in NMCA's. The regulations will also support the implementation of zones within the boundaries of NMCA's that are designed to achieve protection and ecologically sustainable use goals.

The establishment of TINMCA will change the applicability and implementation of territorial and other federal statutes currently in place. It is possible Tallurutiup Imanga may be established under the CNMCAA prior to NMCA-specific regulations coming into force. However, during the interim period, existing territorial regulations will continue to apply. The establishment of TINMCA will result in changes related to implementation of the *Nunavut Project Planning and Assessment Act* (NuPPAA). The NuPPAA will continue to apply to TINMCA after establishment, however Article 11 (Land use planning) of the *Nunavut Agreement* does not apply to NMCA's once legally established under the CNMCAA. As a result, the *North Baffin Regional Land Use Plan* (NBRLUP) will no longer apply within the TINMCA boundary. Upon establishment, the Nunavut Planning Commission's responsibilities for conformity will be assigned to Parks Canada, and conformity will be determined based on the requirements set out by or under any law for which Parks Canada is responsible (e.g. CNMCAA).

The Parks Canada's Policy on the Establishment and Management of National Marine Conservation Areas, and Parks Canada's Directive on the Management of National Marine Conservation Areas, Interim Management Plan (IMP), future management plans, Inuit Impact and Benefit Agreement (IIBA), and other tools, such as temporary closures and voluntary measures will contribute to the management of the NMCA once TINMCA comes under the CNMCAA. These policy and management tools will provide guidance for managing the NMCA in accordance with the legislative background.

A range of activities may be allowed in NMCA's, including fishing, shipping, tourism and land use, but activities must be conducted in a manner and at a rate and scale that are ecologically and culturally sustainable. The types of activities that may be affected by the establishment of TINMCA include vessel transits, tourism, commercial shipping, commercial fisheries, and other activities such as research and routine operations by other government departments. To maintain ecological sustainability and optimize socio-economic benefits, activities will be managed in accordance with legislation and the management tools provided by policy, legislated instruments, and other tools.

The joint Inuit and Canada governance structure for Tallurutiup Imanga gives equal representation from the federal government and Inuit in the consensus-based decision making process, and recognizes that Inuit are integrally connected to the marine environment. Inuit Qaujimajatuqangit will be taken into account in decision making. The well-being of Inuit is addressed throughout the IIBA with provisions for Inuit involvement and economic opportunities such as the creation of an Inuit Advisory Committee (IMAQ), an Inuit Stewardship Program (Nauttiqsuqtiit), and an Inuit Research and Monitoring and Fund, investment in capacity building and training, right of first refusal to operate all business opportunities with respect to the NMCA, and a total of \$54,830,000 over 7 years is being invested for the benefits identified in the IIBA.

The anticipated long-term environmental and socio-economic outcomes resulting from the establishment of TINMCA will provide a net benefit. The legislative and regulatory framework, policy and management tools, and governance structure will provide an effective, multi-layered approach for achieving ecosystem and socio-economic benefits and mitigating potential impacts. Establishment will protect the TINMCA area as a result of the CNMCAA, IIBA, interim management plan and regulations from other government departments; protection of the area will increase with subsequent development of the NMCA General Regulations. Establishment of TINMCA will have no significant adverse effects on the ecosystem or Inuit harvesting activities; it will have no significant adverse socio-economic effects and will enhance and protect the existing and future well-being of Inuit.

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1. Introduction

1.1. Objectives

Steps are being taken to prepare for establishing¹ Tallurutiup Imanga National Marine Conservation Area (TINMCA) in legislation, under the *Canada National Marine Conservation Areas Act (CNMCAA, 2002)*. As a result, this document has been prepared to address the requirements of the following:

- The *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* (2010)
- Section 8.2.9 of the *Nunavut Land Claims Agreement (NLCA)*
- Sections 76(1) and 174(1) of the *Nunavut Project Planning and Assessment Act (NuPPAA)*

In accordance with *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* (2010), a strategic environmental assessment (SEA) is conducted on all establishment proposals for National Parks and National Marine Conservations Areas. The purpose of a SEA is to incorporate environmental considerations into the development of public policies, plans, and program proposals to support environmentally-sound decision making.

Under NuPPAA, the establishment of TINMCA will also require a submission to the Nunavut Planning Commission for a conformity determination, followed by a Screening by the Nunavut Impact Review Board. Section 8.2.9 of the NLCA states that the establishment of a new National Marine Conservation Area in the Nunavut Settlement Area after the date of ratification of the NLCA (1983) is subject to development impact screening by the Nunavut Impact Review Board (NIRB). This document provides the background information for this proposal as well as a screening assessment of potential impacts and mitigations to fulfill these requirements under the *Nunavut Agreement* and NuPPAA (Section 76(1) and 174(1)).

¹ Terminology used by the Canadian Protected and Conserved Areas Database differentiates between *designated* vs *established* status. Under that framework, a *designated* protected area is recognized or dedicated through legal/formal means, and implies specific binding commitment to conservation in the long term. An *established* protected area is recognized or dedicated through other effective means and there is a long term commitment to conservation, but not necessarily with legal recognition. Under this framework, Tallurutiup Imanga National Marine Conservation Area is currently established under the Tallurutiup Imanga Inuit Impact Benefit Agreement, and steps are being take to designate it through legal means under the *Canadian National Marine Conservation Areas Act (CNMCAA)*. Throughout this document, the term establishment is used in the general sense to refer to the broader process of establishment and designation, and “establishment under the CNMCAA” is used to refer to designation.

2. Project Description

2.1. Parks Canada National Marine Conservation Area System Plan

National marine conservation areas (NMCAs) are marine protected areas established by Parliament under the *Canada National Marine Conservation Areas Act*, administered by Parks Canada, and managed collaboratively with others. When the Act was proclaimed in 2002, Parliament affirmed that it was in the national interest to pursue a system of national marine conservation areas that are representative of the diversity of Canada's marine environments in the Atlantic, Arctic and Pacific Oceans and the Great Lakes. To achieve this goal, Canada's waters have been divided into 29 marine regions based on biological and oceanographic characteristics. The objective of the NMCA program is to set aside a portion of each region as an NMCA. The resulting system of NMCAs will collectively protect examples of Canada's marine heritage for present and future generations. The establishment of TINMCA is part of the NMCA System Plan to represent the Lancaster Sound marine region.

Key Features of NMCAs

- A type of marine protected area established and administered by Parks Canada under the *Canada National Marine Conservation Areas Act* and managed collaboratively with others.
- NMCAs are established and managed for the purpose of protecting and conserving areas representative of Canada's marine and Great Lakes environments for the benefit, education and enjoyment of Canadians and the world.
- Multi-use areas which balance protection and ecologically sustainable use through management as well as zoning.
- Oil, gas, mineral and aggregate exploration and exploitation are prohibited.
- Strict limits on ocean disposal (i.e. disposal of any substance in the waters of an NMCA) is prohibited under the *Canada National Marine Conservation Areas Act* except in special circumstances.
- Traditional harvesting rights are not affected.
- Must be zoned, including zones which fully protect special features and sensitive elements of ecosystems and zones where the ecologically sustainable use of renewable marine resources may occur.
- Commercial uses, including shipping and fishing are allowed, so long as they are ecologically sustainable, but they may be prohibited in the full protection zones which must be put into place in each NMCA.
- Fisheries and Oceans Canada and Transport Canada continue to regulate fisheries and marine transportation activities, respectively, in keeping with the purpose of NMCAs and the specific conservation objectives of each NMCA.
- Local support and continued involvement in management is essential.

2.2. Feasibility Assessment

The idea of protecting the international, national and regional values of Lancaster Sound has been a recurring theme since the late 1970s. In 2009, work began in earnest as a federal–territorial–Inuit

agreement launched a joint study to determine the desirability and feasibility of establishing a national marine conservation area in Lancaster Sound. In December 2009, the federal and Nunavut governments and the Qikiqtani Inuit Association (QIA) announced the signing of a Memorandum of Understanding to examine the desirability and feasibility of establishing a national marine conservation area in Lancaster Sound (2009). The MOU specified that the study would consider social, environmental and economic benefits of establishing an NMCA and included a general description of a study area for the NMCA proposal, but also stated that boundary options were to be considered as part of the feasibility assessment. It provided for funding to enable the full participation of QIA and to undertake a traditional knowledge study which would inform boundary decisions. The MOU also created a Steering Committee to guide the process.

In December 2010, the Government of Canada announced for consultation purposes its position on a potential future boundary for an NMCA in Lancaster Sound. The proposal totaled 44,300 km² and was put forth as a basis for discussions, with final decisions regarding a boundary to be informed by consultations and by an assessment of the area's energy resources and its ecological values, based on both contemporary science and traditional knowledge. The federal government also made it clear that while the feasibility assessment was underway, exploration or development of petroleum resources within the proposed boundary would not be permitted, nor would they be allowed in an established NMCA.

Between 2011 and 2016, the Steering Committee supervised the completion of various studies (traditional knowledge, ecological values, energy resource assessment and tourism opportunities) and undertook consultations with local Inuit communities and key stakeholders, including industry. The concerns and opinions respecting the Lancaster Sound NMCA proposal expressed during the consultations informed Steering Committee discussions and their recommendations to governments and QIA.

Over the course of the feasibility assessment, the Steering Committee gathered information on ecological values, tourism opportunities, fisheries, marine transportation and potential hydrocarbon resources. It used Inuit Qaujimajatuqangit (Inuit traditional knowledge and values) alongside scientific knowledge to develop a more complete understanding of the use and value of the area. Consultations were conducted in the five communities adjacent to the NMCA proposal (Pond Inlet, Arctic Bay, Grise Fiord, Resolute Bay and Clyde River), with 32 community meetings attended by over 430 people. Input was solicited from regional and national stakeholders including industry and non-government organizations. During the consultations, all five communities expressed significant support for the protection of the entire Lancaster Sound region and the establishment of an NMCA, and no substantive reasons to abandon or not pursue the proposal were raised. Inuit Qaujimajatuqangit proved to be fundamental in understanding and illustrating the Inuit perspective of the region, leading to a more universal ecological and social outlook on the proposed NMCA.

The Steering Committee considered the following when delineating a boundary for an NMCA in Lancaster Sound:

- the views of local Inuit communities;
- the ecological values identified through contemporary science and Inuit Qaujimajatuqangit;
- Inuit traditional use of the Lancaster Sound region;
- cultural values;

- hydrocarbon resource assessments
- the only industrial hydrocarbon permit holder in the area voluntarily relinquished its exploration permits;
- the views of stakeholders; and
- government priorities and commitments, in particular, to protect representative marine regions within a system of national marine conservation areas and to achieve the protection of 10 percent of Canada's coastal and marine areas by 2020.

In 2017 the Steering Committee produced the report "A Study to Assess the Feasibility of Establishing a National Marine Conservation Area to Represent the Lancaster Sound Marine Region." The Steering Committee recommended a boundary that would "represent the diversity of the Lancaster Sound marine region" and was selected "to protect the natural and cultural values of the area as an intact ecosystem, and to respond to the views and aspirations of Inuit communities who depend on this ecosystem." This report outlined key natural and cultural values represented by this area including:

- a highly interconnected ecosystem that includes important migratory, feeding, nursery and breeding areas for a variety of species;
- polynyas, which are depended on by wildlife for survival and by Inuit for harvesting;
- various sites that support Inuit traditional land use and Inuit way of life;
- essential migratory habitat for the majority of the world's narwhal population;
- narwhal, beluga and bowhead whale aggregations;
- the largest polar bear subpopulation in the Arctic; and
- Inuit cultural sites, as well as heritage sites associated with the history of the search for the Northwest Passage.

The Steering Committee concluded that the establishment, development and operation of a national marine conservation area in Lancaster Sound could provide a number of ecological and social benefits and is feasible.

2.3. Assessment of petroleum resource potential

As part of the necessary considerations for the federal boundary proposal, an assessment of possible petroleum resources was conducted by the Geological Survey of Canada (GSC) within the limits of the 2010 federal boundary proposal (44,300 square kilometres). The results are detailed in the report "Assessment of the Conventional Petroleum Resource Potential of Mesozoic and Younger Structural Plays Within the Proposed National Marine Conservation Area, Lancaster Sound, Nunavut (Brent et al, 2013)." This report did not include the areas subsequently proposed to be added to that boundary, to the west, east and south. However, a qualitative assessment of petroleum potential was conducted on the larger boundary proposed in the NMCA feasibility assessment: "Qualitative Assessment of Petroleum Potential in Lancaster Sound Region" (Atkinson et al, 2017). The 2013 study concluded that there are potential petroleum generating source rocks within the study area and that seafloor and seismic survey features confirm an active petroleum system. The estimated recoverable crude oil was about 2 billion barrels, and the estimated recoverable natural gas was about 8.8 trillion cubic feet.

2.4. Other Feasibility Studies

An ecological values study was prepared by Parks Canada as part of the commitments made under the 2009 Memorandum of Understanding to examine the desirability and feasibility of establishing a national marine conservation area in Lancaster Sound. The results were published in a report entitled “Updated Assessment of the Ecological Values of Lancaster Sound in the Eastern Canadian Arctic” (Yurick and Mercier, 2013). This study provided a summary of the scientific information gathered with respect to the Lancaster Sound region since the 1970s and updated it with more current information on the species and ecosystems of the region.

Subsequent to the publication of the Parks Canada ecological values study, Fisheries and Oceans Canada conducted a cetacean survey in August 2013, which for the first time surveyed most of the main narwhal and bowhead whale aggregation areas in the Canadian High Arctic during one summer (DFO 2015a; 2015b). This survey reinforced the importance of the Lancaster Sound region for both narwhal and bowhead whales.

In 2012, the Qikiqtani Inuit Association (QIA) published Tallurutiup Tariunga Inulik (QIA, 2012) to provide Nunavut Land Claims Beneficiaries with an introduction to the proposed national marine conservation area in Lancaster Sound, and to inform Parks Canada, the Government of Nunavut and other interested parties about Inuit perspectives on marine conservation. In 2014, based on community consultations with Inuit, the QIA Board of Directors brought forward a boundary proposal to inform further discussions with governments. As part of the Lancaster Sound feasibility assessment, Inuit Qaujimajatuqangit (IQ) from all the adjacent communities of Grise Fiord, Resolute Bay, Pond Inlet, Clyde River, and Arctic Bay was considered. Each community was visited three times between July 2012 and August 2013, and the public consultations included community meetings and discussions, written surveys and mapping sessions. IQ confirms the importance of the Lancaster Sound region to Inuit communities from an Inuit perspective.

Finally, the Steering Committee commissioned “The Study of Existing and Potential Marine-based Tourism Opportunities in Lancaster Sound” (Dawson, 2013). The report integrates findings from a thorough review of published information on tourism in the circumpolar Arctic and an analysis of interviews with key stakeholders in the region. The report concluded that marine based tourism offers the potential for growth and contribution to the local economy if appropriate mitigation strategies are employed and key barriers are addressed. It also suggests that the proposed Lancaster Sound NMCA has the potential to become a world leader in protected area management by combining contemporary science and local Inuit knowledge and cultural traditions to create an educational tourism offer.

2.5. Interim protection of the proposed boundary

In August 2017, the results of the feasibility assessment, including the proposed boundary at the time, were accepted through an MOU between Canada (PCA), Government of Nunavut (GN) and Qikiqtani Inuit Association (QIA). Within this MOU the parties agreed that the establishment of a national marine conservation area in the Tallurutiup Imanga/Lancaster Sound Region was desirable and feasible. The Parties agreed that the final boundary of the NMCA would encompass an area of approximately 109,000 square kilometers. This MOU outlined interim protection of the proposed boundary, specifically, the Government of Canada would not permit exploration or development of non-renewable resources

within the proposed boundary. Parties to this MOU also agreed to not support the issuance of any new exploration or development permits for petroleum-related activities, including associated seismic testing, in this area.

The MOU (2017) called for the creation of a Tallurutiup Imanga Planning Committee (consisting of two QIA representatives; one Government of Canada (Parks Canada) representative; and one GN representative) to:

- lead the development of an interim management plan (IMP) for the national marine conservation area including consultation on the draft plan;
- consider small modifications to the boundary; and
- provide advice and context on specific issues to the IIBA.

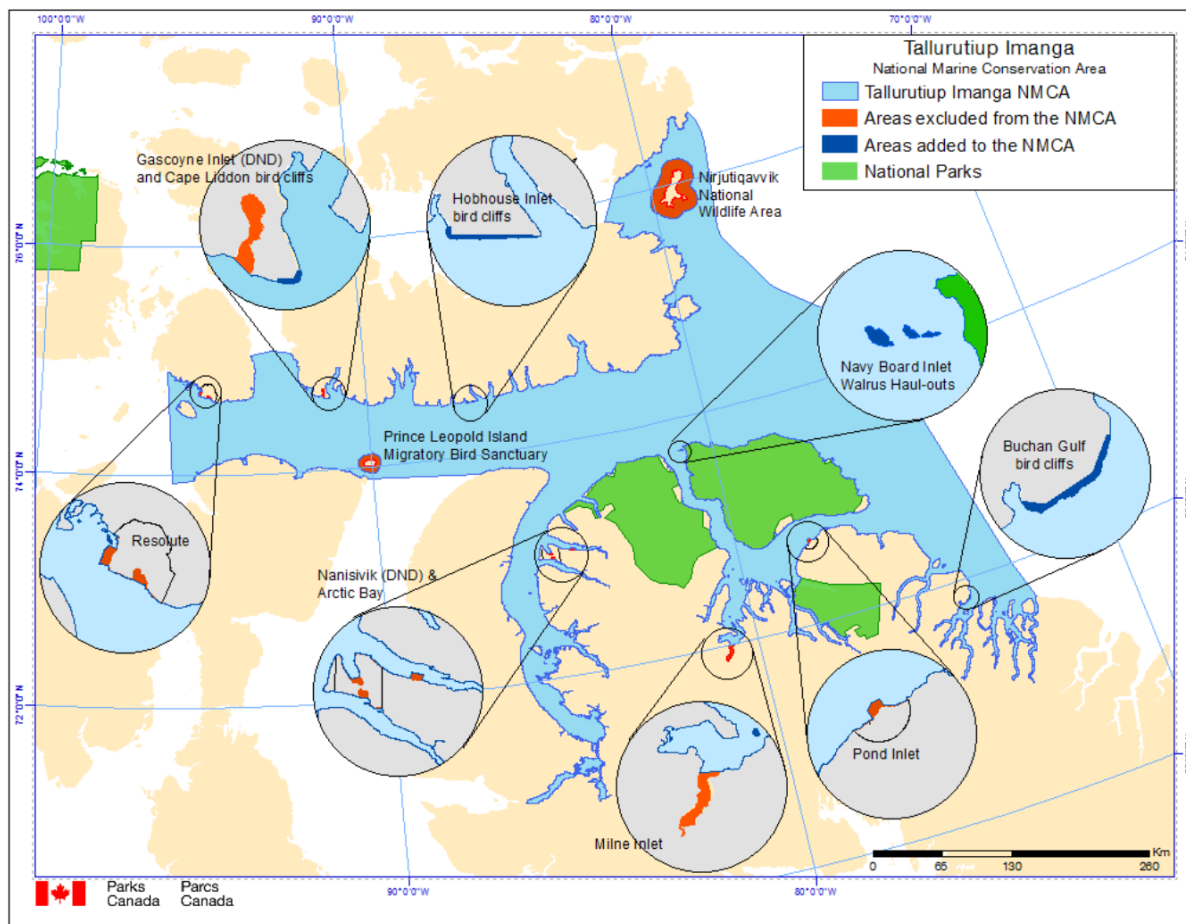
2.6. NMCA Boundary

The final boundary of TINMCA is identified in the IIBA, and encompasses 108,000 square kilometres (Figure 1). During the feasibility study and associated consultation, the proposed boundary was adjusted in response to partner and stakeholder input (Table 1). See *Section 5, Assessment of Alternatives* for further information on boundary considerations.

Table 1: Key adjustments to the boundary of TINMCA

Year	Features of boundary
2010	In December 2010, the Government of Canada announced for consultation purposes its position on a potential future boundary for an NMCA in Lancaster Sound. The proposal totaled 44,300 km ² and was put forth as a basis for discussions, with final decisions regarding a boundary to be informed by consultations and by an assessment of the area's energy resources and its ecological values, based on both contemporary science and traditional knowledge.
2014	Based on community consultations with Inuit, the QIA Board of Directors brought forward a boundary proposal to inform further discussions with governments. Based on the results of the consultations, a QIA resolution supporting a larger boundary was passed unanimously by the QIA Board of Directors in June 2014.
2017	Within the 2017 MOU the parties agreed that the establishment of a national marine conservation area in the Tallurutiup Imanga/Lancaster Sound Region was desirable and feasible. The Parties agreed that the final boundary of the NMCA would encompass an area of approximately 109,000 square kilometers.
2017-2019	The boundary defined in the 2017 MOU is adjusted through the planning process to remove the marine components of Nirjutiqavvik National Wildlife Area and Prince Leopold Island Migratory Bird Sanctuary.
2019	The final boundary outlined in the IIBA is 108,000 square kilometres. The final boundary negotiations included the inclusion and exclusion areas illustrated in Figure 1.

Figure 1: Map of Tallurutiup Imanga National Marine Conservation Area



2.7. International Recognition of Tallurutiup Imanga area

Tallurutiup Imanga is a natural and cultural seascape internationally recognized as one of the most significant ecological areas in the world. For example, it is:

- Recognized as a natural site worthy of World Heritage Site status by the International Union for the Conservation of Nature (IUCN) in the 1980s.
- Identified as a Super Ecologically and Biologically Significant Area for the Arctic by the IUCN and the Natural Resource Defense Fund in 2010.
- Identified as an area of heightened ecological importance by the Arctic Council in 2013.
- Identified as a potential Arctic marine World Heritage Site by the IUCN, Natural Resource Defense Fund and the Marine World Heritage Program of UNESCO in 2016.
- Added to Canada's Tentative List of UNESCO World Heritage Sites in 2017.

3. Management Context

3.1. Nunavut Land Claims Agreement

The *Nunavut Agreement* is a land claims agreement within the meaning of Section 35 of the *Constitution Act*, 1982. It identifies provisions that affect the establishment and ongoing management of a national marine conservation area. Where there is any inconsistency or conflict between any federal, territorial

and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict (NA 2.12.2)

The establishment and management of TINMCA are subject to provisions of the *Nunavut Agreement*. National Marine Conservation Areas are considered to be a Park as defined in the NA and fall under Article 8:

8.4.4 Prior to the establishment of a Park in the Nunavut Settlement Area, the Government responsible for the establishment of the Park, and in the case of the Government of Canada, the Canadian Parks Service in concert with other affected federal government agencies, and a DIO shall negotiate, in good faith, for the purpose of concluding an IIBA [Inuit Impact and Benefit Agreement]. An IIBA negotiated under this Article shall include any matter connected with the proposed park that would have a detrimental impact on Inuit, or that could reasonably confer a benefit on Inuit either on a Nunavut-wide, regional or local basis.

3.2. Inuit Impact and Benefit Agreement (IIBA)

Article 8 of the Nunavut Land Claims Agreement requires that an Inuit Impact and Benefit Agreement (IIBA) be negotiated and concluded before a park or conservation area is established in Nunavut. An IIBA provides Inuit with an opportunity to secure benefits from the establishment, planning and management of protected areas in the Nunavut Settlement Area, and must include any matter connected with the proposed protected area that would have an impact on Inuit, or that could reasonably confer a benefit on Inuit.

The Tallurutiup Imanga IIBA was signed and came into effect on August 1, 2019. It was signed by the QIA and the Government of Canada, as represented by Parks Canada, the Department of Fisheries and Oceans, and Transport Canada. It is a legal contract and provides direction on how the NMCA will be jointly managed by Inuit and the Government of Canada.

The IIBA identifies how the NMCA will be managed and protected. For example:

1.3: Tallurutiup Imanga NMCA is established to protect and conserve a representative marine area for the benefit, education and enjoyment of Inuit of Nunavut and the people of Canada and the world, and will be managed and used in a sustainable manner that meets the needs of present and future generations.

1.5: Inuit elders' and Inuit Knowledge Holders' views, expertise and understandings of the environment should, to the fullest extent possible, be applied to encourage the wise use of wildlife, on which Inuit depend, and this traditional knowledge and understanding will be imparted to younger generations.

The IIBA secures important social, cultural and economic benefits for Inuit and establishes how Inuit and the federal government will work together to realize these benefits, manage and protect TINMCA. The IIBA supports the objective of Inuit stewardship through both governance and programming. To address governance, the IIBA prescribes a new cooperative management approach, requiring the QIA and Government of Canada to work closely to make reasonable efforts to reach consensus on how TINMCA will be managed and operated. Stewardship programs will enable activities such as environmental monitoring, research, and harvesting. A broad objective of the IIBA is to support a conservation economy through the exploration of opportunities including sustainable fisheries, greater Inuit presence in the marine environment, and Inuit involvement in the management of marine navigation. The IIBA

provides the articles of agreement for other aspects of NMCA management including: research and monitoring; promotion, information sharing, heritage interpretation and visitor reception, and Inuit career and training opportunities. The IIBA recognizes that wildlife harvesting is an Inuit Right pursuant to the *Nunavut Agreement*, and that traditional harvesting rights of Inuit will continue to be upheld within the proposed NMCA.

3.3. Management Plans

3.3.1. Management Plan framework

An Interim Management Plan (IMP) and management plans are essential management tools and key documents to help guide management decision-making consistent with the *CNMCAA*. Under the *CNMCAA*, an interim management plan will identify interim management objects and interim zoning that will be in effect in TINMCA until the next management plan approved and tabled in Parliament within five years of its establishment under the *CNMCAA*. From that point forward, full management plans including zoning for the NMCA are required to be tabled in Parliament and reviewed and amended every 10 years in accordance with the *CNMCAA*.

Zoning is an essential part of the NMCA management plan. Its main purposes are to define and map the different levels of protection and uses that will occur in the NMCA as well as to separate potentially conflicting human activities. Regular consultation and direct involvement of resource users and residents of the surrounding region is essential to the preparation and implementation of the management plan.

Along with the Minister of Parks Canada, the *CNMCAA* states that the Minister of Fisheries Oceans (DFO) and Canadian Coast Guard and the Minister of Transport (TC) must agree to the interim management plan, and future management plans, when it affects their areas of responsibility (i.e., fisheries management, aquaculture, and marine navigation and marine safety) (ss. 4, 4(1), *CNMCAA*).

Although Fisheries and Oceans Canada and Transport Canada retain their responsibilities for fisheries management, aquaculture, marine navigation and marine safety within NMCAs, these activities are to be managed in collaboration with Parks Canada in keeping with the purpose of NMCAs, the *Canada National Marine Conservation Areas Act* and the long-term conservation objectives of the specific NMCA.

3.3.2. Development of the Draft Interim Management Plan (IMP)

The interim management plan (IMP) is currently in draft form. Establishment of TINMCA under the *CNMCAA* will occur following the finalization of an interim management plan. The Tallurutiup Imanga Planning Committee has lead the development of the IMP, a process which began in 2017. The Planning Committee has consulted with rightholders and key stakeholders, other government departments and industry and environmental organizations and feedback received was incorporated in the development of the draft IMP. The Planning Committee will also be consulting with the public and stakeholders to ensure that their interests are taken into consideration in the management of the NMCA. The interim management plan will set out management objectives and a zoning plan. The draft Interim Management Plan for TINMCA is being developed in coordination with Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard. Together they are working along with Parks Canada to achieve the management plan objectives that relate to their areas of responsibility within the NMCA.

3.4. Management structure and approach

The IIBA identifies the governance structure for the NMCA through a co-management board -- the Aulattiqatigiit Board -- that has equal Inuit–Canada representation and makes consensus-based decisions making while taking Inuit Qaujimajatuqangit into account. For TINMCA, the Qikiqtani Inuit Association represents the interests of Inuit. The IIBA identifies that:

5.7.1 The Aulattiqatigiit Board shall examine all steps, decisions, initiatives and undertakings relating to the planning, operation and management of Tallurutiup Imanga NMCA.

The Aulattiqatigiit Board has six members, three appointed by QIA and three appointed by Government. Unlike other governance boards in Nunavut, the Aulattiqatigiit Board includes senior officials from QIA and Government departments, including Parks Canada, DFO, and TC.

The IIBA established a consensus-based governance model under the leadership of the Aulattiqatigiit Board (consisting of equal government of Canada and Inuit representation), to implement an Interim Management Plan and guide future development of subsequent management plans. This whole-of-government approach to the establishment of the NMCA and the cooperative arrangement between Inuit and government to manage the NMCA forms a unique relationship moving forward.

The Aulattiqatigiit Board will be assisted in its work by a number of supporting bodies. The Operations Committee, with representation from QIA and Parks Canada, will support the development of the management plan and meet frequently to address day-to-day issues and to support longer term planning as directed by the Aulattiqatigiit Board.

An Inuit advisory group named Imaq will be established to assist QIA with planning, management, operations and benefit implementation. A critical part of managing TINMCA is supporting Inuit capacity building that enables Inuit to serve in the leadership roles of TINMCA.

In addition, the creation of a management advisory committee is required for each NMCA by Section 11(1) of the CNMCAA. 11(1) to advise the Minister responsible for Parks Canada on the formulation, review and implementation of the Management Plan for TINMCA.

4. Regulatory Context

4.1. Overview

The legislation and regulation that applies to marine environments is complex, with many jurisdictions sharing authority and responsibility, as is currently the case within the proposed boundary of TINMCA. The establishment of TINMCA will result in changes to the legislative and regulatory framework, the most significant being the application of the *Canada National Marine Conservation Areas Act*. Analysis of changes to the legislative and regulatory framework is provided in Section 6.1.

4.2. *Canada National Marine Conservation Areas Act*

The proposed TINMCA will be established by adding the legal description of the boundary to Schedule 1 of the *Canada National Marine Conservation Areas Act* (CNMCAA). As s. 4(1) states, NMCAs are established and managed to protect and conserve representative marine areas for the benefit,

education and enjoyment of the people of Canada and the world. Key features of the CNMCAA are listed in Section 2.1.

4.3. Land Use Planning

The proposed boundary area of Tallurutiup Imanga is located within the North Baffin Planning Region, and prior to establishment of TINMCA, the area is subject to the *North Baffin Regional Land Use Plan* (NBRLUP) (2000). Following establishment, the NBRLUP will cease to apply within the NMCA, and the lands, including the water column will be turned over to Parks Canada to administer under the CNMCAA and following provisions of the IIBA. Analysis of this change is provided in Section 6.1.3.

5. Alternatives to the project and assessment of alternatives

Alternatives to the project were considered at various stages during the development and planning of TI NMCA. In terms of the alternative of not pursuing establishment of a marine protected area in the region, no substantive reasons to abandon or not pursue the proposal were raised during consultations (Feasibility Study, 2017).

There were potential alternatives as to the form of marine protected area that would be pursued. Industry suggested that other types of marine protected areas should be pursued rather than an NMCA, presumably because the latter prohibits exploration and exploitation of oil, gas and minerals. The federal government provided funds through Budget 2007 for a Lancaster Sound National Marine Conservation Area feasibility assessment, and the Steering Committee's terms of reference, as per the MOU, approved by Canada, Nunavut and the QIA, were specifically to consider an NMCA.

With regards to the potential for oil and gas exploration and exploitation, the Government of Canada announced on December 20, 2016, that it was designating all Arctic Canadian waters as indefinitely off limits to future offshore Arctic oil and gas licensing, to be reviewed every five years through a climate and marine science-based life-cycle assessment.

Alternative boundaries for the NMCA were considered beginning in 2010. The proposed boundary evolved during the feasibility study and associated consultation (Section 2.6). The boundary recommended by the Steering Committee was presented as the area needed to adequately represent this natural region, to protect the natural and cultural values of the area as an intact ecosystem, and to respond to the views and aspirations of Inuit communities who depend on this ecosystem. In reaching this conclusion, the Steering Committee considered the following when delineating a boundary for a potential NMCA:

- the concerns and wishes expressed during consultations by Inuit from local communities;
- the ecological values based on contemporary science and Inuit Qaujimajatuqangit;
- Inuit traditional use of the Lancaster Sound region;
- cultural values;
- the QIA Board of Directors' passage of a unanimous resolution in June 2014 supporting a boundary of some 109,000 square kilometres, based on community concerns from consultations to further protect the area from oil and gas development;
- hydrocarbon resource assessments;
- the only industrial hydrocarbon permit holder in the area voluntarily relinquished its exploratory permits;

- the views of stakeholders; and
- government priorities and commitments, in particular, to protect representative marine regions within a system of national marine conservation areas and to achieve the protection of five percent of Canada's coastal and marine areas by 2017 and 10 percent by 2020.

6. Analysis of impacts and mitigation measures

This section provides an analysis of impacts from the establishment of TINMCA, including benefits, potential adverse impacts, and mitigation measures. The analysis focuses on the following changes that will result from NMCA establishment:

- Changes to the legislative and regulatory regime;
- Changes in policy, management tools, and legislated instruments; and
- Changes in activities.

Method of assessment

The assessment was conducted using existing information and by comparing with the structure of assessments for northern national park establishment; namely Aulavik National Park on Banks Island (Northwest Territories), Sirmilik National Park on Baffin Island (Nunavut) and Qausuittuq National Park on north Bathurst Island (Nunavut).

This assessment relies on guidance for national marine conservation area (NMCA) management identified in the Parks Canada's Policy on the Establishment and Management of NMCAs, and the Directive on the Management of NMCAs, that are in the final stages of approval and are anticipated to be approved prior to the establishment of TINMCA. It assumes that existing trends and patterns for visitation and development activities in the region will continue including traditional renewable resources and harvesting activities. The provisions for NMCA management/operation activities, including research and monitoring are also taken into account.

6.1. Legislative and regulatory framework

Compared to pre-establishment of the NCMA, the most significant changes in the management of the TI NMCA area are expected to result from changes to the legislative and regulatory framework. The analysis identifies changes in the framework and the resulting impacts. These include:

- Addition of the *Canada National Marine Conservation Areas Act* and regulations;
- Changes related to the applicability and implementation of territorial (Nunavut) and other federal statutes; and
- Changes related to the implementation of the *Nunavut Project Planning and Assessment Act*.

6.1.1. *Canada National Marine Conservation Areas Act* and regulations

The CNMCAA will establish TI NMCA and apply thereafter. The application of the *Canada National Marine Conservation Areas Act* will result in the immediate prohibition of hydrocarbons, minerals and aggregates exploration and exploitation within the national marine conservation area. This sets out a permanent intent for the conservation of Tallurutiup Imanga ecosystems. These prohibitions are not expected to result in adverse socio-economic effects; since 2016, there have been no hydrocarbon exploratory leases in Lancaster Sound (Steering Committee, 2017).

The CNMCAA provides an overall framework for the priorities and management of TI NMCA as a protected area. The CNMCAA also requires a coordinated and collaborative approach to management which is guided by the joint Inuit-Canada co-management body, the Aulattiqatigiit Board, consistent with the provisions of the Inuit Impact and Benefit Agreement.

The CNMCAA has multiple features that provide additional layers of protection and benefits for the marine ecosystem and coastal communities. In addition, Parks Canada's Policy on the Establishment and Management of NMCAs, and the Directive on the Management of NMCAs, and Inuit Impact and Benefit Agreement (IIBA) align with the CNMCAA and guides how Parks Canada plans and manages NMCAs and articulates our leadership role in working with partners and stakeholders to support these special places.

Appendix 1 identifies some of the key features of the CNMCAA, NMCA Policy and Inuit Impact and Benefit Agreement (IIBA) that distinguish the NMCA approach from the pre-establishment scenario for the TI area. The table identifies the legislated and policy objectives for the management of NMCAs, and management approach and tools for the holistic management of the marine ecosystem for the benefit of coastal communities; however please note that Appendix 1 is not a comprehensive analysis.

The *Canada National Marine Conservation Areas Act* enables the creation of regulations on a number of topics to support the conservation and management of National Marine Conservation Areas (NMCAs). The first set of NMCA General Regulations under the Act is currently at the initial stage of development and will provide regulatory tools that contribute to the management of natural and cultural heritage, visitor experience, land use, and activities such as commercial tourism, research and special events in NMCAs. The regulations will also support the implementation of zones within the boundaries of NMCAs that are designed to achieve protection and ecologically sustainable use goals. The regulatory tools will include a mix of general prohibitions and restrictions that are relevant to NMCAs across Canada as well as permit requirements and authorities designed to help address site-specific needs and further local management objectives. In this way, the NMCA General Regulations will contribute to the practical implementation of site-level management plans and NMCA program goals. The NMCA General Regulations will complement existing regulations that apply toward the protection of NMCAs under the regulatory regimes of DFO, ECCC, and TC.

Once TINMCA is scheduled under the NMCA Act, Parks Canada will become responsible for administering the *Species at Risk Act* within Tallurutiup Imanga National Marine Conservation Area, or will become the competent Minister under SARA.

Until such time that regulations are developed pursuant to the CNMCAA, territorial acts and regulations will continue to apply in TINMCA; for further discussion of this issue, see section 6.1.2.

6.1.2. Changes related to applicability and implementation of territorial (Nunavut) and other federal statutes

Legal instruments under other authorities (e.g., designated shipping areas, area-based fisheries closures) may be used to support NMCA management. A collaborative approach with other management authorities to implement management requirements is expected in accordance with the CNMCAA, the IIBA, Parks Canada's Policy on the Establishment and Management of NMCAs, and the Directive on the Management of NMCAs. The co-management structure for TINMCA supports this as Parks Canada, Fisheries and Oceans Canada and Transport Canada are members of the Aulattiqatigiit Board.

The Minister of Fisheries and Oceans Canada and the Canadian Coast Guard, and the Minister of Transport Canada who maintain respective regulatory authority within the NMCA, must agree on those provisions of management plans with respect to their areas of responsibility—such as fisheries management, aquaculture, and the promotion of marine safety and security in the context of marine navigation.

Regulations under the CNMCAA are currently under development. There may be an interval between establishment of TINMCA and completion of the regulations. Where there are gaps within the federal regulatory regime, territorial laws will apply (Table 2). Federal laws prevail where there is a conflict between such territorial laws and any federal laws.

Table 2: Summary of key territorial statutes

Permit/Licence	Authorizing agency	Legal authorities
Tourist establishment ² licence	Economic Development and Transportation	<i>Nunavut Travel and Tourism Act / Nunavut Tourism Regulations</i>
Tourist Outfitter / guide licence	Economic Development and Transportation	<i>Nunavut Travel and Tourism Act / Nunavut Outfitter Regulations</i>
Wildlife Observation licence	Environment	<i>Nunavut Wildlife Act</i>
Big game Outfitter / guide permit	Environment	<i>Nunavut Wildlife Act</i>
Class 1 archaeological / palaeontological permit	Cultural Heritage	<i>Nunavut Act/ Nunavut Archaeological and Palaeontological Sites Regulations</i>
Scientific Research licence <ul style="list-style-type: none"> • Social Sciences & TK research • Physical/Natural Sciences research (abiotic field sampling) • Health Related Research 	Nunavut Research Institute (NRI)	<i>Scientists Act</i>
Wildlife Research licence (terrestrial, aquatic, avian flora & fauna ³)	Environment	<i>Nunavut Wildlife Act</i>

² Under the *Travel and Tourism Act* "tourist establishment" means

- (a) any premises or boat that provides sleeping accommodation,
- (b) any campsite equipped for the supplying of water or electricity or the disposal of garbage or sewage, or
- (c) any picnic, bathing or recreation area for the travelling public or persons engaging in outdoor recreational activities, but does not include a private cottage or residence;

³ Does not include species of fish or marine plant as defined in *Fisheries Act* or a bacterium or virus.

Permit/Licence	Authorizing agency	Legal authorities
Class 1 and / or Class 2 archaeological / palaeontological permit	Cultural Heritage ⁴	<i>Nunavut Act/ Nunavut Archaeological and Palaeontological Sites Regulations</i>

During this interim period between the establishment of Tallurutiup Imanga under the *Canada National Marine Conservation Areas Act* and the completion of NMCA regulations, the territorial regulations will apply. During this period, Parks Canada will work with Territorial regulators and Proponents to ensure that project activities are consistent with legislation, policies and NMCA management direction.

The *Nunavut Archaeological and Palaeontological Sites Regulations* are an anomaly. While they are federal regulations they are implemented by a Designated Authority, currently this is the Cultural Heritage department of the Government of Nunavut. While Parks Canada will replace the Government of Nunavut as the Designated Authority, the regulations themselves will be repealed as part of the devolution agreement between Canada and Nunavut. If devolution occurs prior to NMCA regulations coming into force, the territorial replacement statutes would apply.

6.1.3. Changes related to implementation of the *Nunavut Project Planning and Assessment Act* (NuPPAA)

The NuPPAA will continue to apply to TINMCA after establishment. However, there are a number of changes in how NuPPAA, particularly conformity, will be implemented in TINMCA following establishment.

Article 11 (Land use planning) of the *Nunavut Agreement* does not apply to NMCAs once established. As a result, the *North Baffin Regional Land Use Plan* (NBRLUP) will no longer apply within the TINMCA boundary.

The Nunavut Planning Commission's responsibilities for conformity will be assigned to the authority having management and control of the NMCA. Parks Canada will be the responsible authority for implementing the Parks and Conservation Areas conformity sections (163-171) of NuPPAA that will apply to the NMCA. Conformity under section 165 will be determined based on the requirements set out by or under any law for which Parks Canada is responsible (e.g. CNMCAA).

While the NBRLUP identifies requirements used for conformity reviews, it also contains recommendations and advice aimed at proponents and organizations responsible for land administration. No single authority is responsible for active oversight to assess whether the recommendations and advice designed to help ensure sustainable development and the well-being of communities are being followed. Regulatory authorities focus on specific activities, e.g. tourism, resources, or fisheries rather than area management taking all activities and resources into consideration. With the establishment of TINMCA, the Aulattiqatigiit Board will provide that oversight using a range of management tools from legislation and regulations through policy to voluntary compliance (Table 3).

⁴ The Parks Canada Agency will become the Authorizing Agency after legal establishment of TINMCA until the Regulations are repealed as part of the devolution agreement.

Table 3: Summary of oversight of individual project review stages before and after the establishment of TINMCA

		Before National Marine Conservation Area Establishment		After National Marine Conservation Area Establishment		
Project Review Stages		Nunavut Planning Commission	Regulatory authorities	Aulattiqatigiit Board / Parties (without NMCA regulations)	Aulattiqatigiit Board / Parties (with NMCA regulations)	Other Regulatory authorities
Before proposal submission	Proposal Development	✓	✓ (within limits of authorities)	✓	✓	✓ (within limits of authorities)
Conformity	Conformity Review	✓ (NuPPAA)	✓ (Regulatory)	✓ (NuPPAA and some regulatory)	✓ (NuPPAA and increased regulatory)	✓ (Regulatory)
After conformity activities	Impact Assessment ¹	✗	✓ (tends to be limited to activity or resource responsibilities)	✓ (for all NMCA)	✓ (for all NMCA)	✓ (tends to be limited to activity or resource responsibilities)
	Project Approval	✗	✓ (within limits of authorities)	✓ (indirect and limited direct)	✓ (indirect and direct)	✓ (within limits of authorities)
	Monitoring	✗		✓	✓	
	Enforcement	✗	✓ (within limits of authorities)	✓ (compliance and limited direct)	✓ (compliance and direct)	✓ (within limits of authorities)

¹ Nunavut Impact Review Board has responsible for conducting screenings and reviews. Parties identified in table are responsible for participating in NIRB reviews and implementing recommendations.

Appendix 2 compares the NBRLUP requirements and recommendations with legislation and direction that will come into force on establishment of the National Marine Conservation Area. The comparison does not include existing federal legislation and regulations as they already apply to the area. Additional protections will be added with the development of NCMA General Regulations.

6.1.4. Conclusion

Establishment of TI NMCA under the CNMCAA is expected to enhance conservation of the marine ecosystem, and provide benefits to Inuit. No adverse impacts are predicted. There is a suite of internal and external legislative and regulatory instruments available. Additional secure and direct control for managing activities and implementing policy and management tools will be available after the development of national NMCA General Regulations.

6.2. Policy and management tools

As a result of establishment and changes in the legislative and regulatory framework, there are associated changes in policy, and legislated instruments:

- Parks Canada's Policy on the Establishment and Management of National Marine Conservation Areas
- Parks Canada's Directive on the Management of National Marine Conservation Areas
- Interim Management Plan (IMP);
- Future management plans;
- Inuit Impact and Benefit Agreement (IIBA), and
- Other tools

6.2.1. Parks Canada's Policy on the Establishment and Management of NMCAs, and Directive on the Management of NMCAs

Parks Canada's Policy on the Establishment and Management of National Marine Conservation Areas and Parks Canada's Directive on the Management of National Marine Conservation are aligned with the CNMCAA, and provides more structured guidance on how the Agency plans and manages NMCAs in conjunction with relevant Government of Canada legislation, regulations, policy instruments and formal agreements (such as the *Nunavut Agreement* and Tallurutiup Imanga NMCA Inuit Impact and Benefit Agreement). The NMCA Policy will be used to guide the development of general regulations made under section 16 of the CNMCAA. The Policy sets out requirements for establishing and managing NMCAs while providing the flexibility required to respond to local circumstances and considerations. The relationship between the CNMCAA, Policy and IIBA is identified in Appendix 1.

There are eight key goals for NMCA management in the Policy:

- Goal 1. Protect marine ecosystems and biodiversity to maintain or improve ecological sustainability.
- Goal 2. Conserve cultural heritage.
- Goal 3. Manage use in an ecologically sustainable manner.
- Goal 4. Support Indigenous leadership in marine conservation.
- Goal 5. Contribute to the well-being of Indigenous peoples and coastal communities.
- Goal 6. Facilitate opportunities for meaningful visitor experiences.
- Goal 7. Enhance awareness and understanding of NMCAs.
- Goal 8. Advance effective collaboration for management.

In addition, the Directive on Management of NMCAs provides guidance for the development of management plans including a zoning framework for identifying areas requiring full protection and those allowing ecologically sustainable use in compliance with the CNMCAA. The Policy also allows for the identification of special management areas where different management approaches may be designated. All components of the marine environment – sea bed, water column and ice – are to be taken into account in the management of the NMCA.

6.2.2. Interim Management Plan (IMP)

An interim management plan is in development to set out management objectives and a zoning plan for TINMCA. The Qikiqtani Inuit Association, Government of Canada and Government of Nunavut are expected to sign off on the plan. The interim plan will provide site-specific guidance for managing TINMCA until a full management plan is developed within five years of establishment under the CNMCAA. Amendments to Schedule 1 to establish TINMCA under the CNMCAA will occur following the finalization of an interim management plan.

Future Management Plans

Strategic direction for NMCAs is provided through management plans, which are developed on a regular cycle in accordance with the CNMCAA, other applicable legislation, regulations, Parks Canada's policies and guidance for management planning, other policy instruments and formal agreements.

Specific NMCA guidance on management planning is provided in the Directive on the Management of NMCAs:

As part of the management planning process, each NMCA is divided into zones. Each NMCA must have at least one fully protected zone and one ecologically sustainable use zone.

Positive, negative and cumulative socio-economic impacts to Indigenous peoples, stakeholders and coastal communities are considered when developing zoning plans.

Objectives to reduce conflicting uses may be incorporated when developing zoning plans.

Zones are of sufficient size and configuration to achieve zone objectives as identified in the zoning framework.

Adjacent land and marine use are considered when developing zoning plans and strives for ecological connectivity, ease of navigation, and management coherence.

Once the management plan is approved, zoning is implemented through regulations by the appropriate authority or authorities.

The IIBA provides direction for the plan development and approval process that will ensure Inuit interests are addressed through Article 7. This includes equal representation from the Inuit-Canada governance structure on the planning team. The Aulattiqatigiit Board provides guidance to the planning team on the management planning process and shall review the draft scoping report, the draft consultation plan, the draft management plan, and any related planning documents. The Aulattiqatigiit Board shall take into account all relevant information and may recommend changes, if required. The Board recommends the final draft of the plan to the Designated Inuit Organization and federal Ministers.

6.2.3. Inuit Impact and Benefit Agreement (IIBA)

As noted in section 1, the IIBA is a legal contract between Canada and Inuit. The application of the NMCA Policy, management plans, and other potential management tools will be implemented in line with the provisions of the IIBA.

Key principles of the IIBA echo the *Canada National Marine Conservation Areas Act*:

Tallurutiup Imanga NMCA, a globally significant ecosystem, is protected for Inuit and all Canadians. (Preamble Part 1)

1.3 Tallurutiup Imanga NMCA is established to protect and conserve a representative marine area for the benefit, education and enjoyment of Inuit of Nunavut and the people of Canada and the world, and will be managed and used in a sustainable manner that meets the needs of present and future generations.

1.7 The primary considerations in the development and modification of management plans and the interim management plan for Tallurutiup Imanga NMCA will be the precautionary principle and principles of ecosystem management as described in the Convention on Biological Diversity, including the consideration in decision-making of Indigenous knowledge defined as Inuit Qaujimajatuqangit in this Agreement.

1.10 Preservation of Inuit cultural practices, expression and customs are supported and Inuit initiatives for cultural maintenance and renewal are encouraged in the establishment, management and operation of Tallurutiup Imanga NMCA.

1.12 Protection of the archaeological and cultural heritage of Inuit is supported in the establishment, management and operation of Tallurutiup Imanga NMCA.

1.13 Inuit shall benefit from, and participate in, the economic and other opportunities arising from the establishment, management and operation of Tallurutiup Imanga NMCA.

1.14 Tallurutiup Imanga NMCA will be managed taking into account that it is an area of global ecological significance and one of the most productive marine environments in the Arctic Ocean, serving as the primary eastern gateway to the central Arctic for large numbers of migrating marine mammals and as breeding and foraging habitat for immense colonies of seabirds.

1.15 The ecosystem health and biodiversity of Tallurutiup Imanga NMCA is of fundamental importance to Inuit and Canadians.

1.17 Tallurutiup Imanga NMCA makes an important contribution to Canada's international commitments pursuant to the Convention on Biological Diversity and must be managed in a sustainable manner that meets the needs of present and future generations.

6.2.4. Other tools

Other management tools may be used to manage NMCAs consistent with the CNMCAA, the management plan and other applicable legislation, regulations, policy instruments and formal agreements. Examples of other tools could include:

- Temporary closures may be used to restrict specific activities or access to certain areas (e.g., floe edges of ice) on a case-by-case basis for the purpose of resource protection, public safety or other management requirements (CNMCAA s16(1)).
- Voluntary measures (e.g., voluntary vessel speed reduction in marine mammal areas) may be used to support NMCA management.
- Distinct geographic areas that face complex conservation and/or access and use issues that warrant different management approaches may be designated special management areas.

These tools can be flexible and adapt to area-specific conditions.

6.2.5. Conclusion

Policy and management tools provide guidance for managing the NMCA in accordance with the legislative background. A collaborative approach with co-management and external partners will be required.

6.3. Changes in activities

NMCAs are managed and used in a manner that meets the needs of present and future generations without compromising ecological sustainability. A range of activities may be allowed in NMCAs, including fishing, shipping, tourism and land use, such as coastal and in-water infrastructure. Together, these activities must be conducted in a manner and at a rate and scale that are ecologically and culturally sustainable. While the majority of activities in Tallurutiup Imanga will be vessel based, it is recognized that sea ice is critical to some activities in addition to being a component of the marine environment that needs to be considered for ecological sustainability; this will be taken into account in NMCA management and planning.

The types of activities affected by the establishment of TINMCA can be grouped into the following categories:

- Vessel transits
- Tourism
- Commercial shipping
- Commercial fisheries
- Other activities

Inuit use is not included as subsistence hunting, fishing, gathering and other traditional Inuit harvesting activities will continue in accordance with Article 5 of the *Nunavut Agreement*.

Management tools that contribute to ensuring ecological sustainability and socio-economic benefits are identified as “Mitigations” for each activity, however more detail on policy and management tools is provided in Section 6.2.

6.3.1. Vessel transits

TINMCA is situated so that vessels entering or exiting the eastern end of the Northwest Passage must travel through the national marine conservation area. Vessel transits are identified as vessels travelling through the national marine conservation area without stopping and are not associated with identified projects based in Nunavut. International obligations for shipping and navigation will apply within the NMCA.

Effects of establishment on the activity, or how the activity interacts with the environment

Vessel transits may be managed to ensure ecological sustainability, and to ensure that international obligations for shipping and navigation are met.

Mitigations

Zoning and management direction for the NMCA may identify recommended routing, timing, and mitigation for vessels transits through the NMCA to reduce impacts to ecologically or culturally sensitive areas.

The co-management partners will work collaboratively with Transport Canada and Global Affairs Canada to ensure information on NMCA requirements is provided in maritime notices and in reporting requirements. This collaboration is critical to manage navigation while meeting international obligations.

6.3.2. Tourism

The NMCA Policy-Directive identifies a goal to facilitate opportunities for meaningful visitor experiences and provide guidance for managing activities in national marine conservation areas.

In NMCAs, people discover and experience the marine world, and these connections lead to a deeper understanding of and appreciation for Canada’s natural and cultural heritage. NMCAs provide opportunities for recreational use and enjoyment of marine and coastal areas, and encourage visitors to learn more about the oceans and the Great Lakes. Through these experiences, visitors forge new connections with Canada’s natural and cultural heritage in ways that are meaningful to them.

Public awareness, appreciation and support of natural and cultural heritage is promoted to foster strong connections between Canadians and the oceans and Great Lakes, actively engage people in marine conservation, and reinforce their role as marine stewards.

Tourism activities currently occurring within TINMCA include cruise ship and yacht excursions, kayaking, sport hunting, floe edge tourism, wildlife viewing, dogsledding, snowmobiling and cultural education. Many of these are associated with local economic opportunities through guide services.

Effects of establishment on the activity, or how the activity interacts with the environment

The NMCA will continue to promote quality visitor experiences. The establishment of the NMCA may result in an increase in tourism for people interested in destination tourism. The management of tourism activities are expected to become more structured to ensure ecological and cultural sustainability, and to guarantee the participation and development of the local economy.

Mitigation

Tourism activities will be managed as per the provisions of the IIBA, the NMCA Policy-Directive and management plans. Zoning frameworks will aid in matching activities with the ecological and cultural sustainability of the NMCA. Other tools such as seasonal restrictions, site-specific management plans will be implemented as necessary to address specific ecologically or culturally sensitive areas or visitor safety issues.

Parks Canada has a management bulletin to provide guidance for special events and developing new recreational activities. Local assessments would occur when new or existing activities or events present locally significant opportunities and / or areas of concern. The assessments are designed to ensure activities are aligned with statutory requirements and management direction while respecting the interests and values of the affected communities and consistent with the provisions of the IIBA.

Information on activity management measures (required and voluntary), can be communicated through proactive education and awareness means such as Notice to Mariners, Navigational Warnings, Ship Safety Bulletins, marketing and promotional materials, newspaper articles, etc.

6.3.3. Commercial Development and Shipping

Commercial shipping is associated with resupply to local communities and marine transportation for projects occurring within the Nunavut Settlement Area where the transportation corridor is located within TINMCA. An example of the latter is the Mary River Project where Baffinland Iron Mines Corporation bulk carriers travel to and from Milne Inlet.

Effects of establishment on the activity, or how the activity interacts with the environment

The existence of a national marine conservation area will not preclude commercial shipping. Managing shipping to ensure ecological and cultural sustainability of the marine ecosystems while respecting legal obligations to marine navigation will be one of the challenges for the NMCA.

Independent of establishment, it is recognized that the impacts of climate change may allow greater access to the Arctic and that development may become more economically viable, resulting in increased shipping. Inuit have expressed concerns regarding the effects of increased vessel traffic on cultural

sustainability and a perceived lack of oversight. While increased access is not limited to commercial shipping, it is addressed here as a greater volume of shipping associated with industrial development.

Mitigation

The joint Inuit-Canada governance of Tallurutiup Imanga will aid in addressing community concerns while respecting existing legislative and regulatory authorities and Canada's international obligations. Through the IIBA capacity building to involve Inuit in the delivery of some aspects of marine navigation oversight will be supported.

The zoning framework will ensure that there will be at least one area zoned for full protection, where access and extractive use are prohibited, in accordance with the *Canada National Marine Conservation Areas Act* and NMCA Policy-Directive. Zoning will identify the purpose and objectives of each zone and allowable uses and activities to avoid compromising ecological and cultural sustainability. Existing project shipping corridors will be respected. Other management tools such as special management areas, temporary closures (e.g. seasonal or safety related), and voluntary measures may be used to manage NMCAs, consistent with the CNMCAA, the management plan and other applicable legislation, regulations, policy instruments and formal agreements.

The joint management structure of the NMCA will aid in more collaborative and comprehensive input for Tallurutiup Imanga into the Nunavut Impact Review Board reviews and in working with project proponents to identify mutually acceptable mitigation to manage shipping in the NMCA.

6.3.4. Commercial Fisheries

Local communities have expressed an interest in developing commercial fisheries as an opportunity for economic development. The potential for a sustainable commercial fishery will be explored and fisheries will be managed in accordance with the *Nunavut Agreement*.

Effects of establishment on the activity, or how the activity interacts with the environment

The CNMCAA does not prohibit commercial harvest within national marine conservation areas. The IIBA for Tallurutiup Imanga recognizes that fishing and the harvest of wildlife is central to Inuit culture and community well-being, and may contribute to a conservation economy. Fisheries and Oceans Canada will remain responsible for regulating commercial fisheries. Commercial harvest will need to be compatible with the CNMCAA, TINMCA's management direction as well as Fisheries and Oceans Canada management objectives and principles of conservation.

Mitigation

The IIBA requires that Fisheries and Oceans Canada coordinate a community inshore fisheries engagement workshop with representatives from the five TINMCA communities, other co-management organizations, the Government of Nunavut and members of the fishing industry. The workshop would allow for community members to share and map Inuit Knowledge of the marine ecosystem including harvesting and resource use. The Aulattiqatigiit Board will review the resulting options paper prior to developing recommendations on whether to advance fisheries development within TINMCA.

Management plans for the NMCA will include zoning frameworks that will identify areas where extractive uses will be allowed. In accordance with Article 5 of the *Nunavut Agreement*, the Nunavut Wildlife Management Board will approve management plans developed for TINMCA.

National standards for marine protected areas affecting harvest, such as prohibitions on bottom trawling, will be implemented in a manner consistent with obligations under Land Claims Agreements (eg., *Nunavut Agreement*) or self-government agreements before being applied within TINMCA.

Subsistence hunting, fishing, gathering and other traditional Inuit harvesting activities will continue in accordance with Article 5 of the *Nunavut Agreement*.

6.3.5. Other Activities

There may be other uses of the national marine conservation area that are not generic and may need to be evaluated on a case by case basis. The examples provided here are not comprehensive, as it is not possible to predict all potential uses.

- Projects
- Other Government Operations

Projects

This includes research, filming activities not associated with tourism, and projects such as energy projects, underwater communication cables, etc. that may involve physical works or activities within TINMCA.

Effects of establishment on the activity, or how the activity interacts with the environment

Establishment will change responsibilities for conformity reviews and regulatory oversight of projects.

Mitigations

Projects will need to be consistent with NMCA management direction in addition to meeting regulatory requirements. Parks Canada will be responsible for conducting conformity reviews on project activities occurring within TINMCA. As regulations for land use, including the sea bed, research, and business licencing are anticipated, Parks Canada will also be a regulatory authority. Activities may involve multiple regulatory authorities.

Other Government operations

Other government operations include activities conducted by other federal or territorial departments conducting routine business. Examples include Department of Defence (DND) activities, Canada Coast Guard patrols and vessel support activities, installation and maintenance of navigation aids. In the case of the DND, the port at Nanisivik is not included within the boundaries of Tallurutiup Imanga, but travel within the NMCA is required to access it. The same is true for Gascoyne Inlet off southern Devon Island which is a base for DND research activities. Vessel inspections, law enforcement, compliance, emergency response etc., are other examples where government officials may enter the NMCA to perform their duties.

Effects of establishment on the activity, or how the activity interacts with the environment

Routine operational activities of other government departments will continue after the NMCA is established. Departments will be expected to respect area closures or restrictions, fully protected zones, or other management tools in place to protect ecological and cultural sustainability except in instances of safety and/or security concerns. In the event access is required to restricted areas, the Aulattiqatigiit Board will work collaboratively with the various departments to address potential negative impacts.

Projects being conducted by other government departments, such as military exercises or research, will be subject to conformity reviews and authorization from the appropriate regulatory authorities.

Mitigation

Management plans will include zoning frameworks that will identify the purpose and objectives of each zone and allowable uses and activities to avoid compromising ecological and cultural sustainability. Other management tools such as special management areas, temporary closures (e.g. seasonal or safety related), and voluntary measures may be used to manage NMCAs, consistent with the CNMCAA, the management plan and other applicable legislation, regulations, policy instruments and formal agreements.

For research, western science and Inuit Science will be equally valued. The IIBA provides direction for collaboratively managing research and monitoring in TINMCA. This includes the development of a research and monitoring strategy as well as an Inuit research and monitoring plan. Research and monitoring activities should provide social, cultural, economic and environmental benefits for Inuit in the Qikiqtani Region. It is recognized that DND military related research is sensitive and / or classified. The DND commits to providing information to assess the environmental impacts of research programs.

6.3.6. Conclusion

Mechanisms are in place to manage activities within TINMCA in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of the ecosystems. There are existing enforceable regulations that will still apply after establishment by Transport Canada and Fisheries and Oceans Canada that may help mitigate adverse effects. As a result, no adverse ecosystemic or socio-economic impacts are predicted.

7. Optimizing Benefits from the Project

The *Canada National Marine Conservation Areas Act* and the IIBA for TINMCA emphasize the protection and conservation of a representative marine area that will be managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of the ecosystems. The importance of the marine environment to the social, cultural and economic well-being of people living in coastal communities is recognized.

The joint Inuit-Canada governance structure for Tallurutiup Imanga recognizes that Inuit are integrally connected to the marine environment. Inuit Qaujimajatuqangit will be taken into account in all decision making. The well-being of Inuit is addressed throughout the IIBA with provisions for Inuit involvement and economic opportunities such as:

- The creation of an Inuit Advisory Committee to support the Qikiqtani Inuit Association (QIA) in the delivery of IIBA benefits and overall implementation of the IIBA.
- The establishment and operation of an Inuit Stewardship Program (Nauttisuqtiit) with funding provided by Canada to promote Inuit cultural, social, economic, health and conservation benefits. This includes the construction of supporting infrastructure in NMCA communities.
- Opportunities for Inuit lead, including the Stewards, research and monitoring through an Inuit Research and Monitoring Plan and Inuit Research and Monitoring Fund. The overall research

and monitoring strategy for Tallurutiup Imanga will promote social, cultural, economic and environmental benefits for Qikiqtani Inuit.

- Investment in capacity building and training for Inuit within TINMCA communities for marine navigation oversight activities.
- Ensuring Inuit Qaujimajatuqangit has a central role in the interpretation of the heritage of TINMCA.
- The hiring and retention of two Inuit trainees with the intent of moving to relevant indeterminate positions when they become available.
- Preference given to qualified Inuit applicants in staffing and the development and implementation of a career and training plan for existing Inuit staff.
- QIA shall have right of first refusal to operate all business opportunities and ventures contracted out with respect to TINMCA.
- Provisions to promote Inuit firms with respect to Parks Canada business licences, including a 60% share if the number of licences are limited.
- Exploration, with supporting funding, for the potential for a commercial fishery.
- A total of \$54,830,000 over 7 years is being invested for the benefits identified in the IIBA.

In addition to supplementary positions within Parks Canada to support NMCA operations, a Transport Canada Centre will be established within the Qikiqtani Region that will provide additional employment opportunities.

8. Strategy to Monitor Potential Impacts

The IIBA identifies that research and monitoring activities are necessary to support evidence-based decision-making for the planning, management and operation of TINMCA. A research and monitoring strategy will be developed to identify the priorities and needs for the NMCA. Inuit Science and western science will be valued equally. The results of the research and monitoring programs will contribute to reports on the state of protected areas.

An Inuit Stewardship Program, managed by the Qikiqtani Inuit Association, has been created that will make valuable contributions to the promotion of Inuit culture, well-being, the transmission of knowledge to youth, and the delivery of Inuit cultural, social, economic, health and conservation benefits. The stewards, the Nauttiqsuqtiit, will also undertake research and monitoring activities, that will aid in monitoring changes to the Tallurutiup Imanga environment.

Visitor safety programs and monitoring compliance with regulatory requirements will be put in place to aid in managing use in the NMCA to promote ecological and cultural sustainability.

Within five years of establishment, a management plan will be prepared that includes a long-term ecological vision for Tallurutiup Imanga and provision for ecosystem protection, human use, zoning, public awareness and performance evaluation. The management plan will be consistent with the provisions that are in the IIBA, including taking into account the views of Inuit, coastal communities and other interested persons or bodies.

Annual reports on IIBA and management plan implementation will be produced to monitor progress on plan objectives and provisions.

9. Federal Sustainable Development Strategy

The establishment of TINMCA is anticipated to have a positive result on the Federal Sustainable Development Strategy (FSDS) goals (Government of Canada, 2022-2026). The FSDS is the federal government's primary vehicle for sustainable development planning and reporting, and it sets out the government's sustainable development priorities, establishes goals and targets, and identifies actions to achieve them.

On the theme of ocean protection and conservation, the FSDS include targets for conservation of marine and coastal areas to support the commitment to halt and reverse nature loss. Establishment of TINMCA supports these targets.

10. Conclusion

The anticipated long-term environmental and socio-economic outcomes resulting from the establishment of TINMCA will provide a net benefit. The legislative and regulatory framework, policy and management tools, and governance structure will provide an effective, multi-layered approach for achieving ecosystem and socio-economic benefits and mitigating potential impacts. Establishment of TINMCA will have no significant adverse effects on the ecosystem or Inuit harvesting activities; it will have no significant adverse socio-economic effects and will enhance and protect the existing and future well-being of Inuit. The IIBA addresses all matters connected with the NMCA that could have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit.

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Appendix 1

Key features of the CNMCAA, NMCA Policy and Inuit Impact and Benefit Agreement (IIBA) that characterize the NMCA approach

Canadian National Marine Conservation Area Act (CNMCAA)		Policy for Establishing and Managing National Marine Conservation Areas				Inuit Impact and Benefit Agreement (IIBA) for Tallurutiup Imanga
CNMCAA Preamble	CNMCAA	Policy Goals	Policy Definitions	Indicators and Results	Expected Results	TINMCA IIBA Provisions
<p>Whereas the protection of natural, self-regulating marine ecosystems is important for the maintenance of biological diversity;</p> <p>Whereas the Government of Canada is committed to adopting the precautionary principle in the conservation and management of the marine environment so that, where there are threats of environmental damage, lack of scientific certainty is not used as a reason for postponing preventive measures;</p> <p>Consider implications for ecosystems in the planning and management of marine conservation areas so established, provide opportunities, through the zoning of marine conservation areas, for the ecologically sustainable use of marine resources for the lasting benefit of coastal communities</p>	<p>CNMCAA 4(1) Purpose – Marine conservation areas are established in accordance with this Act for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world.</p>	<p>Protect marine ecosystems and biodiversity to maintain or improve ecological sustainability.</p>	<p>Ecological sustainability: A state in which marine ecosystems are self-regulating and resilient, and whose structure, function, and capacity to provide ecosystem services are not compromised.</p>	<p>Indicators (in development):Habitat and species (e.g., marine mammals, kelp forest), environmental quality (e.g., nutrients and algae, underwater noise) and marine use (e.g. ecological sustainability of commercial and recreational fishing, coastal development, marine tourism and recreation)</p>	<p>6.1, 6.4</p>	<p>1.3 Tallurutiup Imanga NMCA ... will be managed and used in a sustainable manner that meets the needs of present and future generations</p> <p>1.5 Inuit elders' and Inuit Knowledge Holders' views, expertise and understandings of the environment should, to the fullest extent possible, be applied to encourage the wise use of wildlife, on which Inuit depend, and this traditional knowledge and understanding will be imparted to younger generations</p> <p>1.7 The primary considerations in the development and modification of management plans and the interim management plan ... will be the precautionary principle and principles of ecosystem management as described in the Convention on Biological Diversity, including the consideration of indigenous knowledge defined as Inuit Qaujimajatuqangit</p>
	<p>CNMCAA 9(3) – In order to protect marine ecosystems and maintain marine biodiversity, the primary considerations in the development and modification of management plans and interim management plans shall be principles of ecosystem management and the precautionary principle.</p> <p>CNMCAA 4(4) Zoning – Each marine conservation area shall be divided into zones, which must include at least one zone fosters and encourages ecologically sustainable use of marine resources and at least one that fully protects special features or sensitive elements of ecosystems, and may include other types of zones</p>	<p>Manage use in an ecologically sustainable manner.</p>	<p>Ecologically sustainable use: Use of marine resources in a manner that meets the needs of present and future generations without compromising ecological sustainability.</p>	<p>Departmental Result: Canada's natural heritage is protected for future generations</p>	<p>6.1, 6.4</p>	<p>1.15 The ecosystem health and biodiversity of Tallurutiup Imanga NMCA is of fundamental importance to Inuit and Canadians.</p> <p>1.16 Threats to Tallurutiup Imanga NMCA ecosystem and its wildlife populations, including from climate change, will be monitored.</p>
	<p>CNMCAA 4(3) Management – Marine conservation areas shall be managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of the ecosystems.</p>	<p>Conserve cultural heritage.</p>	<p>Definitions in CRM Policy</p>	<p>Indicators (e.g.): Cultural landscapes, archaeological sites, objects</p> <p>Departmental Result: Canada's cultural heritage is protected for future generations</p>	<p>6.1, 6.3, 6.4</p>	<p>1.10 Preservation of Inuit cultural practices, expression and customs are supported and Inuit initiatives for cultural maintenance and renewal are encouraged in the establishment, management and operation of Tallurutiup Imanga NMCA.</p> <p>1.12 Protection of the archaeological and cultural heritage of Inuit is supported in the establishment, management and operation of Tallurutiup Imanga NMCA.</p> <p>9.1.1 To provide for an Inuit Stewardship Program to be managed by QIA that supports stewardship activities of Inuit within Tallurutiup Imanga NMCA that will make valuable contributions to the promotion of Inuit culture, well-being, the transmission of knowledge to youth, and the delivery of Inuit cultural, social, economic, health and conservation benefits.</p>
<p>Recognize that the marine environment is fundamental to the social, cultural and economic well-being of people living in coastal communities</p> <p>Involve federal and provincial ministers and agencies, affected coastal communities, aboriginal governments, bodies established under land claim agreements and other appropriate persons and bodies in the effort to establish and maintain the representative system of marine conservation areas</p>	<p>CNMCAA 4(1) Purpose – Marine conservation areas are established in accordance with this Act for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world.</p> <p>CNMCAA 4(3) Management – Marine conservation areas shall be managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of the ecosystems.</p>	<p>Contribute to the well-being of Indigenous peoples and coastal communities.</p>	<p>Coastal community well-being: A state in which coastal communities derive long-term social, economic and cultural benefits from NMCA's</p>	<p>Indicators (in development): Access, social well-being, economic well-being, local foods, local decision-making capacity, human health</p> <p>Departmental Result: none (gap?)</p>	<p>6.1, 6.2, 6.3, 6.4</p>	<p>1.2 The establishment, management and operation of Tallurutiup Imanga NMCA creates the opportunity to secure socio-economic benefits and cultural opportunities for Inuit, and in so doing is intended to foster reconciliation.</p> <p>1.5 Inuit elders' and Inuit Knowledge Holders' views, expertise and understandings of the environment should, to the fullest extent possible, be applied to encourage the wise use of wildlife, on which Inuit depend, and this traditional knowledge and understanding will be imparted to younger generations</p> <p>1.8 The perspectives of members of coastal communities, Inuit organizations, federal and territorial government departments and the interested public will be considered in the management of Tallurutiup Imanga NMCA</p> <p>1.10 Preservation of Inuit cultural practices, expression and customs are supported and Inuit initiatives for cultural maintenance and renewal are encouraged in the establishment, management and operation of Tallurutiup Imanga NMCA.</p> <p>1.13 Inuit shall benefit from, and participate in, the economic and other opportunities arising from the establishment, management and operation of Tallurutiup Imanga NMCA.</p>
<p>Provide opportunities for the people of Canada and of the World to appreciate and enjoy Canada's natural and cultural marine heritage</p>	<p>CNMCAA 4(1) Purpose – Marine conservation areas are established in accordance with this Act for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world.</p> <p>CNMCAA 8(3) The Minister may maintain and operate facilities and carry out operations and activities to achieve the purposes of this Act.</p>	<p>Facilitate opportunities for meaningful visitor experiences.</p>		<p>Indicators: Visits, satisfaction, enjoyment, learning</p> <p>Departmental Result: People connect to and experience Canada's natural and cultural heritage in ways that are meaningful for them</p>	<p>6.1, 6.4</p>	<p>1.3 Tallurutiup Imanga NMCA is established to protect and conserve a representative marine area for the benefit, education and enjoyment of Inuit of Nunavut and the people of Canada and the world ...</p> <p>11.1.2 To set out the collaborative processes that will:</p> <p>a) inform Tallurutiup Imanga NMCA Communities about the National Marine Conservation Area, and potential opportunities for Inuit;</p> <p>b) provide opportunities for the public and visitors to gain a better understanding of Nunavut, Tallurutiup Imanga NMCA and the Inuit relationship with Tallurutiup Imanga NMCA; and</p> <p>c) increase awareness and generally promote Tallurutiup Imanga NMCA</p> <p>11.4.1 Inuit Qaujimajatuqangit shall have a central role in the interpretation of the heritage of Tallurutiup Imanga NMCA.</p>
<p>Promote an understanding of the marine environment and provide opportunities for research and monitoring</p>	<p>CNMCAA 4(1) Purpose – Marine conservation areas are established in accordance with this Act for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world.</p> <p>CNMCAA 8(3) The Minister may maintain and operate facilities and carry out operations and activities to achieve the purposes of this Act.</p>	<p>Enhance awareness and understanding of NMCA's.</p>		<p>Indicators: Promotion and support</p> <p>Departmental Result: People connect to and experience Canada's natural and cultural heritage in ways that are meaningful for them</p>	<p>6.1, 6.4</p>	<p>11.4.1 Inuit Qaujimajatuqangit shall have a central role in the interpretation of the heritage of Tallurutiup Imanga NMCA.</p>
<p>Consider traditional ecological knowledge in the planning and management of marine conservation areas</p> <p>Involve federal and provincial ministers and agencies, affected coastal communities, aboriginal governments, bodies established under land claim agreements and other appropriate persons and bodies in the effort to establish and maintain the representative system of marine conservation areas</p>	<p>CNMCAA 4(1) Purpose – Marine conservation areas are established in accordance with this Act for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world.</p> <p>CNMCAA 8(4) – The Minister may enter into agreements with... aboriginal governments, bodies established under land claim agreements and other appropriate persons and bodies in the effort to establish and maintain the representative system of marine conservation areas</p> <p>CNMCAA 10(1) – The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments, in the development of marine conservation area policy and regulations, the establishment of any proposed marine conservation area...and any other matters the Minister considers appropriate.</p>	<p>Support Indigenous leadership in marine conservation.</p>		<p>Indicators (e.g.): Indigenous partnerships, mutual respect</p> <p>Departmental Result: none (gap?)</p>	<p>6.1, 6.2, 6.3, 6.4</p>	<p>1.1 The establishment, management and operation of Tallurutiup Imanga NMCA will be consistent with the <i>Nunavut Agreement</i> and, barring any inconsistency or conflict with the <i>Nunavut Agreement</i>, the <i>Canada National Marine Conservation Areas Act</i> and other federal legislation..</p> <p>1.4 The Parties intend to work in cooperation using the consensus based governance model outlined in this Agreement to manage Tallurutiup Imanga NMCA</p> <p>1.6 Inuit Qaujimajatuqangit will be considered in decision-making related to the management of Tallurutiup Imanga NMCA</p> <p>1.9 Governance of Tallurutiup Imanga NMCA as set out in this Agreement will build capacity for QIA and Inuit to engage in the management of Tallurutiup Imanga NMCA.</p> <p>6.1.1 For QIA to create an Inuit advisory committee that will be known as Imaq.</p> <p>6.2.2 Imaq ... shall provide Inuit perspectives to the Aulattiqatiglit Board on the management of Tallurutiup Imanga NMCA</p> <p>13.6.1 An Inuit Research and Monitoring Fund shall be established to support community research and monitoring activities. Parks Canada shall provide QIA with funds in accordance with Article 18 of this Agreement for the Inuit Research and Monitoring Fund.</p>
<p>Involve federal and provincial ministers and agencies, affected coastal communities, aboriginal governments, bodies established under land claim agreements and other appropriate persons and bodies in the effort to establish and maintain the representative system of marine conservation areas</p>	<p>CNMCAA 10(1) – The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments...in the development of marine conservation area policy and regulations, the establishment of any proposed marine conservation area...and any other matters the Minister considers appropriate.</p> <p>CNMCAA 11(1) Area advisory committees – The Minister shall, for each marine conservation area, establish a management advisory committee to advise the Minister on the formulation, review and implementation of the management plan for the area</p>	<p>Advance effective collaboration for management.</p>		<p>Indicators (in development): Cooperative management, interjurisdictional, advisory bodies</p> <p>Departmental Result: none (gap?)</p>	<p>6.1, 6.2, 6.4</p>	<p>5.2.1 A joint Inuit and Canada management board shall be established by the Parties where the Parties shall work together in reaching consensus decisions through the process outlined in this Agreement to guide management of Tallurutiup Imanga NMCA. The board shall be called the "Aulattiqatiglit Board", and is deemed to be the committee described in section 8-4.11 of the Nunavut Agreement.</p> <p>5.7.1 The Aulattiqatiglit Board shall examine all steps, decisions, initiatives and undertakings relating to the planning, operation and management of Tallurutiup Imanga NMCA.</p> <p>5.8.1 During deliberations of the Aulattiqatiglit Board on any particular proposal or initiative under subsection 5.7.1, members shall strive in a constructive and cooperative manner to achieve a consensus decision.</p>

Appendix 2

Assessment of North Baffin Regional Land Use Plan Conformity Requirements (Appendix C of Land Use Plan) and comparison with National Marine Conservation Areas

Requirement 3.2.1: All land users shall refer to the land values and concerns in Appendix G, and to the Areas of Importance map, to determine important land values and concerns in areas where they plan to work, as well as to adjust their work plans to conserve these values.

Current use: Subject to interpretation. Difficult to base decision on this as only general direction in NBRLUP, little information on specific activity prohibitions.

NMCA – without regulations: CNMCAA identifies overall direction for the purpose, management and use of NMCAs. Policies, management plans, zoning frameworks etc. can provide some guidance for interpreting this, but would be subject to interpretation on whether proposed activities represent ecologically sustainable use that meets the needs of present and future generations and maintains structure and function of ecosystems. Rely on voluntary compliance.

NMCA – with regulations: Closures / restrictions on areas or activities to implement policy / management direction would be easier to apply with regulations.

Requirement 3.2.8: Research carried out in the North Baffin shall be translated into Inuktitut and made available to the people of the region as soon as possible. Reports shall be translated in a format that will be understood by a non-technical person, but not simplified to the point where meaning is lost. At a minimum, researchers shall include a translated summary of their work. Researchers should also endeavour to present their findings orally in communities affected by their work. They shall also consult with the CLARCs to determine what other information needs the community might have, and ensure that any additional materials, including final reports, are translated into Inuktitut.

Current use: Difficult as basis for conformity decision as implementation is post conformity.

NMCA: Legal requirements do not provide specific direction. Policy / management direction will determine how research carried out – dealt with primarily after conformity.

Requirement 3.3.1: All land uses shall be conducted in keeping with the policy of sustainable development in order to protect the opportunities for domestic harvesting. All land users shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes, and through other mitigative measures. In order to achieve these ends, all land users shall follow the Code of Good Conduct contained in Appendix H.

Current use: Difficult as basis for conformity decision; subject to interpretation. Mitigation not enforced by NPC.

NMCA – without regulations: CNMCAA / IIBA have similar requirements for protection of coastal communities, but relies on ecological sustainability rather than sustainable development. IMP could be used to help identify unsustainable activities / risks to coastal communities. Policies, management plans, etc. can provide direction on activities that may compromise structure and function of ecosystems and well-being of coastal communities. These will be subject to interpretation and more of a challenge to base conformity decision on until NMCA regulations developed. The terrestrial component of the NMCA is very small. Rely on voluntary compliance.

NMCA – with regulations: Closures / restrictions on areas or activities to implement policy / management direction would be easier to apply with regulations.

Requirement 3.3.7: Development activities shall be prohibited within all caribou calving areas during calving season, as well as caribou water crossings in the North Baffin region. The QIA and DIAND shall implement caribou protection measures on Inuit Owned and Crown lands respectively.

Current use: Clear direction.

NMCA – without regulations: Current NMCA direction is general. IMP may identify sensitive ecosystem elements or zoning to identify species, areas requiring special protection. Rely on voluntary compliance for caribou populations not identified as species at risk. The *Species at Risk Act*

will apply to Peary Caribou; sea ice crossings for Peary Caribou have been identified as critical habitat.

NMCA – with regulations: Closures / restrictions on areas or activities to implement policy / management direction would be easier to apply with regulations. *Species at Risk Act* already applies.

Requirement 3.3.8: Development activities shall be restricted near polar bear denning areas and walrus haul-outs.

Current use: Clear direction.

NMCA – without regulations: Current NMCA direction is general. IMP may identify sensitive ecosystem elements or zoning to identify species, areas requiring special protection. Rely on voluntary compliance.

NMCA – with regulations: Closures / restrictions on areas or activities to implement policy / management direction would be easier to apply with regulations.

Requirement 3.5.11: All parties wishing to develop a transportation and/or communications corridor shall submit to the NPC a detailed application for an amendment. This application must include an assessment of alternative routes, plus the cumulative effects of the preferred route. It shall provide reasonable options for other identifiable transportation and utility facilities.

Requirement 3.5.12: The NPC, and either NIRB or a panel acting under section 12.4.7 of the NLCA, shall publicly review the proposed corridor to determine whether the proposal adequately meets the guidelines set out in Appendices J and K. Once it is determined that a proposal does meet the guidelines, the NPC may request the ministers to amend the plan to include the new transportation corridor

Current use: Clear direction on what required for a proposal and the process.

NMCA – without regulations: Transportation corridors not addressed as a separate item. Zoning would influence transportation activities by identifying uses that could affect structure and function of ecosystems, well-being of coastal communities.

NMCA – with regulations: Closures / restrictions on areas or activities to implement policy / management direction would be easier to apply with regulations.

Requirement 3.9.3: Researchers shall make their best efforts to incorporate, where relevant and available, local and traditional knowledge in their research projects and ensure that it is integrated with the scientific knowledge.

Requirement 3.9.4: Research programs conducted in the North Baffin region shall, where possible, rely on local services and local employment.

Requirement 3.9.5: Academic and scientific researchers shall consult the NRI concerning research topics or fields that would be of benefit and interest to local residents. Research that will improve the quality, coverage and understanding of the natural resource base, including the non renewable resource potentials, shall be conducted with the support of the communities

Current use: Difficult to assess for conformity purposes.

NMCA – without regulations: No specific direction for conformity although CNMCAA, IIBA and policy all support local economic opportunities. Will be more of an issue during authorizing phase. NMCA may influence authorizing decision / conditions.

NMCA – with regulations: NMCA will direct authorizing decision / conditions.

Requirement 3.11.3: The CMC shall continue to hold a central registry of archaeological sites, and the NPC, in coordination with the IHT, shall continue to monitor land use activities to protect these sites. Information about the location and identity of archaeological sites in specific areas, and the measures necessary to protect them, shall be included in land use permits. Land users shall report the discovery of all suspected archaeological sites or artifacts to the Government of Nunavut's Department of Culture, Language, Elders, and Youth (CLEY).

Current use: Not really applicable for conformity purposes. More conditions for permits; not overseen by NPC.

NMCA: Management of cultural resources in NMCA is not restricted to archaeological sites. Until they are repealed through devolution process, Parks Canada will be designated responsible authority and direction for management developed as per *Nunavut Agreement*, IIBA, and CRM policies.

Requirement 3.13.1: All users of the land shall follow the Code of Good Conduct in Appendix H to ensure that no new waste sites are created.

Current use: Mitigation and advice. Difficult to assess for conformity purposes. Permitting conditions not overseen by NPC.

NMCA – without regulations: CNMCAA requires ecologically sustainable use that maintains structure and function of ecosystems. Mitigation and guidance used to identify how this will be done. Rely on voluntary compliance and influencing permitting decisions / conditions through direct communication with authorizing agencies. Activity in NMCA (e.g. through Nauttiqsuqtiit) can identify compliance issues for regulatory authorities.

NMCA – with regulations: NMCA will direct authorizing decision / conditions and have enforcement responsibilities.

Requirement 3.13.2: The principle of “the polluter pays” shall apply to a strategy for cleaning up the environment. Where it is possible to identify the person, company or agency responsible for creating an abandoned or inactive waste site, they shall be made responsible for site cleanup and restoration.

Requirement 3.13.3: When identification is not possible, the government agency (or its successor) that had regulatory responsibility for the site at the time it was active shall be responsible for site cleanup and restoration

Requirement 3.13.4: The NPC shall work with communities, QIA, government, industry and other interested parties to develop an inventory of waste sites and a short list of cleanup priorities in keeping with the NPC’s responsibilities assigned in NLCA Section 11.9.1.

b) Community residents in particular, and all land users in general, shall be actively involved in planning and conducting cleanup operations, whenever possible and practicable.

c) Refuse, such as fuel drums and scrap metal, shall be recycled where possible.

d) Sites containing toxic materials shall be given priority for cleanup, and the location of these sites shall be widely publicized to warn residents.

e) Sites within or near caribou calving grounds, near water and near communities shall also be given priority for cleanup.

Requirement 3.13.4: New occurrences of pollution, garbage and contamination caused by anyone shall be prevented. Land users shall ensure that all drums are safely recovered

Current use: Post implementation activity. Difficult to assess for conformity purposes. Regulator responsible for addressing this rather than NPC. Some aspects could be permit condition; not overseen by Commission.

NMCA – without regulations: CNMCAA addresses pollution clean-up and clean-up expenses. More likely address as management, monitoring issues and permit conditions rather than conformity. Aspects of 3.13.4 would be addressed through policy / management direction. NMCA (including Nauttiqsuqtiit) will be monitoring land use.

NMCA – with regulations: NMCA will direct authorizing decision / conditions.

There are a number of conformity requirements that will not be relevant to the NMCA once established.

Requirement 3.6.5: All proposals for mining developments shall include plans, complete with financial guarantees, for the eventual abandonment and restoration of the site. As a priority, waste sites where risks to human health, safety, the environment or legal obligations exist shall be addressed. Toxic waste shall be removed where possible.

Requirement 3.6.6: Mining exploration companies and mine operators shall continue to minimize the negative effects of their activities on the environment.

Requirement 3.6.9: Special hunting restrictions at mine sites and along transportation routes shall be strictly enforced by mine operators and land managers to prevent over harvesting of wildlife.

Requirement 3.7.5: Prior to further exploration or development, the oil and gas industry and DIAND shall demonstrate to the communities most likely to be affected how industry and government would respond to oil spills in ice-infested waters and in strong ocean currents.

Requirement 3.7.5: Oil and gas exploration companies shall continue to minimize the negative effects of their activities on the environment.

Current use: Clear direction on what required, but evaluation of content difficult to assess as part of conformity.

NMCA: Exploration and development of oil, gas, minerals is prohibited.

Requirement 3.4.1: The NLCA sets out procedures to guide the establishment of conservation areas in Nunavut. Any agency proposing to create a new – or modify an existing – conservation area shall do so in accordance with the provisions of the NLCA.

Proponents are directed to Appendix N of this document. Any proposed conservation or protected area strategy shall involve a thorough community consultation process. The NPC endorses important community based criteria for any protected area system, such as:

- maintaining wildlife harvesting patterns;
- protecting wildlife and wildlife habitat; and
- preserving cultural identity and traditional use of the land

Current use: IIBA, NMCA legislation, proposed management direction and consultation would determine if given a positive conformity determination.

NMCA – This section would become irrelevant once the NMCA is established.